



DEVAL L. PATRICK
GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

CHERYL BARTLETT, RN
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, 5th Floor, Boston, MA 02114
(617) 973-0800
(617) 973-0895 TTY

Tel: 617-973-0971
Fax: 617-973-0980
www.mass.gov/dph/boards/dn

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
July 17, 2013
AGENDA

8:30 a.m. Call to Order and Introduction of Barbara Young, Executive Director

A. Adjudicatory Session (closed to the public)

B. M.G.L. c.112, §65C Session (closed to the public)

9:10 a.m. C. Review of General Session Minutes—Meeting of June 5, 2013

D. Requests for Reconsideration of Prior Board Actions—Board Counsel

--In the Matter of DEN-2011-0053: Dr. Rachel Neal

--In the Matter of DEN-2012-0135: Dr. Cressida Joseph

--In the Matter of DEN-2012-0132: Wilson Casimir, RDH

--In the Matter of DEN-2012-0130, Melanie Sturup, RDH

E. Investigative Report—Board Counsel

--In the Matter of DEN-2012-0021: Dr. Juliette Zahn

F. Complaint Resolution—Pending Board Cases—Eileen Mulligan

--In the Matter of DEN-2012-0110: Dr. Alex Bejian--Deferred

--In the Matter of SA-INV-2384: Dr. Jeong Lee

--In the Matter of SA-INV-2888: Dr. Robert Wright

--In the Matter of SA-INV-2555: Dr. Jeffrey Cummings

--In the Matter of SA-INV-3000: Dr. Nguyen Pham

G. Administrative Matters

--Working Group Updates: Compliance Inspection Forms and PGY-1

--Recognition of Service: Dr. Mina Paul

10:30 a.m. H. Educational Presentation—Dr. Bruce Barrette, ADEX President

--"If You Could See What I See"

11:15 a.m. I. Complaint Resolution—Pending Board Cases—Kathleen O'Connell

--In the Matter of SA-INV-3092: Dr. Francis Harrington

--In the Matter of SA-INV-3091: Mary Handy, RDH

--In the Matter of SA-INV-3082: Dr. Michael Davies

--In the Matter of SA-INV-3086: Dr. Michael Davies

- In the Matter of SA-INV-3083: Dr. Warren Green
- In the Matter of SA-INV-3087: Dr. Warren Green
- In the Matter of DEN-2013-0007: Dr. Warren Green
- In the Matter of DEN-2013-0006: Dr. Alaaeddin Alwazzan
- In the Matter of SA-INV-3088: Dr. Alaaeddin Alwazzan
- In the Matter of DEN-2013-0008: Dr. Mario Gatti
- In the Matter of DEN-2013-0009: Dr. Lindsey McElligott
- In the Matter of DEN-2013-0010: Dr. Christopher Mirucki
- In the Matter of DEN-2013-0011: Dr. Jean Marie Biebuyck
- In the Matter of DEN-2013-0013: Lina Virgin, RDH
- In the Matter of DEN-2013-0014: Jessie Jones-Teti, RDH
- In the Matter of DEN-2013-0012: Dr. Bashar Zyoud

J. Complaint Resolution—Pending Board Cases—Kathy Perault

- In the Matter of SA-INV-3180: Dr. Bashar Zyoud
- In the Matter of SA-INV-3459: Dr. Neil Blitz
- In the Matter of SA-INV-3586: Dr. Philip Aubin
- In the Matter of SA-INV-3066: Dr. Meenakshy Yegneswaran
- In the Matter of SA-INV-3179: Dr. Yan Wang
- In the Matter of DEN-2012-0104: Dr. Sang Jun Lee
- In the Matter of DEN-2012-0105: Dr. Hassan Moeinzad

K. Complaint Resolution—Pending Board Cases—Barbara Yates

- In the Matter of DEN-2012-0079: Dr. Ean James
- In the Matter of SA-INV-2866: Sameka Dental
- In the Matter of SA-INV-2947: Dr. Ahmed El-Samra
- In the Matter of SA-INV-2957: Dr. Thomas Curtin
- In the Matter of SA-INV-2952: Dr. Sadina Roselin

L. Complaint Resolution—Pending Board Cases—Lisa Seeley-Murphy

- In the Matter of DEN-2012-0142: Shirley Horniak, RDH
- In the Matter of DEN-2012-0143: Lesa Hutchinson, RDH
- In the Matter of DEN-2012-0141: Dr. Marshall Sommer
- In the Matter of DEN-2012-1057: Dr. Louis Jeffrey Lowenstein--Deferred
- In the Matter of DEN-2012-0156: Susan Frances Ecker, RDH--Deferred

M. Complaint Resolution—Pending Board Cases—Sarah Millar

- In the Matter of DEN-2012-0084: Dr. Venkat Dulala
- In the Matter of DEN-2012-0121: Dr. Michael Ofir
- In the Matter of SA-INV-3059: Dr. Mark Wang
- In the Matter of SA-INV-3189: Dr. Gardner Bassett
- In the Matter of SA-INV-3190: Valley Dental

N. Probation Matters—Karen Fishman, Probation Monitor

- Webinar Policy Update
- In the Matter of DEN-2010-0136: Dr. Sylvester Maloney - Violation of Stayed Probation
- In the Matter of DEN-2010-0161 & DEN-2010-0110: Dr. Louis Sparanges - Violation of Probation

Adjournment

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

NEXT MEETING: September 18 , 2013

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
July 17, 2013
GENERAL SESSION MINUTES

Board Members Present: Dr. Milton Glicksman, Secretary; Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.; Ms. Diane Grondin, CDA Advisor.

Board Members Absent: Dr. John Hsu, Dr. Cynthia Stevens, Dr. David Samuels, and Ms. Lois Sobel, RDH

Staff Members Present: James Lavery, Director of DHPL; Barbara Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Kathy Perault, Lisa Seeley-Murphy, and Barbara Yates; Curtis Jackson, MPRS Coordinator; Karen Fishman, Probation Monitor; Rosie Rogers, Administrative Assistant.

Dr. Milton Glicksman, Secretary chaired the meeting.

Motion: To commence the meeting at 8:33 a.m.
Motion Made By: Dr. Roderick Lewin
Second: Dr. Stephen DuLong
Vote: Unanimous

Introduction of Barbara Young, Executive Director

James Lavery, Director of DHPL, expressed thanks to Assistant Executive Director Jeffrey Mills for his service in the absence of an Executive Director since the end of January. He then introduced newly-appointed Executive Director Barbara Young, RDH, to the Board. She brings many years of experience as a dental hygienist and as an Assistant District Attorney to her position.

Motion: To Enter Adjudicatory Session, at 8:36 a.m.
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Stephen DuLong
Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Secretary
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

- Motion:** To Leave Adjudicatory Session at 8:55 a.m.
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Dr. Roderick Lewin
- Roll-Call Vote:** **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Secretary
Non-Voting Member: Ms. Diane Grondin, CDA Advisor
- Motion:** To Enter M.G.L. c.112, §65C Session at 8:55 a.m.
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Dr. Stephen DuLong
- Roll-Call Vote:** **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Secretary
Non-Voting Member: Ms. Diane Grondin, CDA Advisor
- Motion:** To Leave M.G.L. c.112, §65C Session at 9:13 a.m.
- Motion Made By:** Dr. Stephen DuLong
- Second:** Ms. Ailish Wilkie
- Roll-Call Vote:** **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Secretary
Non-Voting Member: Ms. Diane Grondin, CDA Advisor
- Motion:** To Enter General Session at 9:13 a.m.
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Dr. Stephen DuLong
- Vote:** Unanimous
- Motion:** To approve minutes of June 5, 2013, General Session.
- Motion Made By:** Dr. Stephen DuLong
- Second:** Ward Cromer, Ph.D.

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

Vote: Unanimous

Requests for Reconsideration of Prior Board Actions—Board Counsel

--In the Matter of DEN-2011-0053: Dr. Rachel Neal

Discussion: Licensee completed a total of 66 Continuing Education credits during the 2010-2012 renewal cycle. If the Board allows 29 of these to apply retroactively to the previous cycle, this would leave only three deficient credits for 2010-2012. Infection control and pain management courses were discussed.

Motion: **To grant Petition for Reconsideration and place Licensee on Stayed Probation for six months.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Motion: **To allow Dr. Neal to apply twenty-nine hours of continuing education taken during the 2010-2012 license renewal cycle retroactively to the 2008-2009 license renewal cycle. The Board notes that licensee should be informed that allowing the retroactive application of continuing education credits is a one time action by the Board and the Licensee must complete the required number of continuing education during each renewal cycle.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Motion: **To require Licensee to complete a course in infection control required for the 2010-2012 license renewal cycle.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Motion: To accept Licensee's certification in Basic Life Support for the 2010-2012 renewal cycle. In doing so, the Board notes that Licensee completed her BLS re-certification after the license renewal date of March 31, 2012 and informs the Licensee that BLS re-certification must be completed for each license renewal cycle.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Motion: To require Licensee to complete a course in Safe and Effective Opioid Prescribing for Chronic Pain. The Board will not accept the incomplete course Licensee took in December 13, 2011 as completion of this requirement for the 2010-2012 renewal cycle.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2012-0135: Dr. Cressida Joseph

Discussion: Members reviewed additional evidence, a partial page of spore test results, submitted after the Board's original decision.

Motion: To grant Petition for Reconsideration and place Licensee on Probation for six months and require licensee to complete the following courses:

Full Day: Infection Control

Full Day: Risk Management

2 Hours: Ethics, which may be taken on-line.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to failure to provide evidence of weekly spore testing for March 2012-July 2012.
- Licensee violated 234 CMR 5.16 by failing to develop and maintain a written protocol for management of medical emergencies and to provide evidence of annual office training for staff in emergency protocols and failing to have the required equipment for the and current emergency drug kit.
- Licensee violated 234 CMR 6.15, administration of local anesthesia by failing to have the required equipment and medications for the administration of local anesthesia. Said deficiencies include the failure to have a Portable Cylinder E, Oxygen tank, alternative light source, Bronchodilator and Vasodilator.
- Licensee violated 234 CMR 8.00 by failing to document current certification in Basic Life Support
- Licensee violated 234 CMR 5.04 (1) by failing to post licenses for herself and staff.

--In the Matter of DEN-2012-0132: Wilson Casimir, RDH

Discussion:

Members reviewed their prior decisions in cases with a similar fact pattern.

Motion:

To grant Petition for Reconsideration and place Licensee on Stayed Probation for three months and require Licensee to complete the following Continuing Education:
Full Day: Infection Control
Full Day: Risk Management

Motion Made By:

Dr. Roderick Lewin

Second:

Dr. Stephen DuLong

Vote:

Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to failure to provide evidence of weekly spore testing for March 2012-July 2012.

--In the Matter of DEN-2012-0130, Melanie Sturup, RDH

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

Discussion: Members reviewed their prior decisions in cases with a similar fact pattern.

Motion: **To grant Petition for Reconsideration, place Licensee on Stayed Probation for three months and require Licensee to complete the following courses:**
Full Day: Infection Control
Full Day: Risk Management

Motion Made By: Dr. Roderick Lewin

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification: • Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to failure to provide evidence of weekly spore testing for March 2012-July 2012.

Investigative Report—Board Counsel

--In the Matter of DEN-2012-0021: Dr. Juliette Zahn

Discussion: Licensee's history of response and lack of response to the Board was reviewed.

Motion: **To dismiss the matter without prejudice with notice to Licensee that in the event she petitions for reinstatement of her license to practice dentistry, this complaint will be re-opened.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: Unanimous

Complaint Resolution—Pending Board Cases

Investigators presented their previously distributed Investigative Reports, including patient treatment records, patient financial records, radiographs, and other documents related to each matter considered by the Board, including but not limited to, letters submitted by complainant(s), licensee, and subsequently treating dentists.

--In the Matter of DEN-2012-0110: Dr. Alex Bejian

Due to lack of a quorum this matter was deferred.

--In the Matter of SA-INV-2384: Dr. Jeong Sook Lee

Allegations: Patient neglect, inferior treatment, business practice issues, bullying, assault, invasion of privacy and failure to obtain permission to remove crowns

Discussion: Members reviewed the statements of the complainant, licensee, and clinical coordinator.

Motion: **To not open as a complaint.**

Motion Made By: Dr. Roderick Lewin

Second: Ward Cromer, Ph.D.

Vote: Unanimous

--In the Matter of SA-INV-2888: Dr. Robert Wright

Allegations: Patient abandonment, inferior treatment, business practice issues and removing crowns without consent

Discussion: Statements from the complainant and the licensee (through his attorney) were reviewed.

Motion: **To not open as a complaint.**

Motion Made By: Ward Cromer Ph.D.

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of SA-INV-2555: Dr. Jeffrey Cummings

Allegation: Inferior treatment

Discussion: Radiographs were reviewed, as was a letter from a subsequent dentist. The warranty of the ceramic bridges was also discussed.

Motion: **To open as a complaint, with the allegation of inferior treatment.**

Motion Made By: Ward Cromer Ph.D.

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of SA-INV-3000: Dr. Nguyen Pham

Allegation: Fraud

Discussion: Radiographs and the patient record were reviewed, as well as a note from a subsequent dentist.

Motion: To open as a complaint. Motion Failed, no one seconded the motion.

Motion Made By: Ms. Ailish Wilkie

Second:

Vote:

Motion: To not open as a complaint.

Motion Made By: Dr. Roderick Lewin

Second: Dr. Stephen DuLong

Vote: Unanimous

Administrative Matters

--Working Group Updates: Compliance Inspection Forms and PGY-1

Assistant Executive Director Jeffrey Mills noted that the Compliance Inspection Forms group had its initial meeting on June 26, 2013 and that the PGY-1 group is scheduled to meet on July 24.

Motion: To re-order the agenda at 9:50 a.m.

Motion Made By: Dr. Roderick Lewin

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matter of SA-INV-3092: Dr. Francis Harrington

Allegations: Inferior treatment, patient abandonment/neglect, misdiagnosis of condition, failure to release record

Discussion: Radiographs and the patient record were reviewed.

Motion: To not open as a complaint and send an advisory letter regarding compliance with Board's Regulation at 234CMR 5.15, Content of

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

Patient Records.

Motion Made By: Dr. Roderick Lewin
Second: Dr. Stephen DuLong
Vote: Unanimous

--In the Matter of SA-INV-3091: Mary Handy, RDH

Allegation: Inferior treatment
Discussion: Patient record was reviewed.
Motion: To not open as a complaint.
Motion Made By: Dr. Roderick Lewin
Second: Dr. Stephen DuLong
Vote: Unanimous

--In the Matter of SA-INV-3082: Dr. Michael Davies

Allegation: Failure to obtain the necessary permit for the administration of Nitrous Oxide-Oxygen sedation
Discussion: Interviews of staff were reviewed; there was no evidence of administration of nitrous oxide-oxygen sedation by licensee.
Motion: To not open as a complaint.
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Stephen DuLong
Vote: Unanimous

--In the Matter of SA-INV-3086: Dr. Michael Davies

Allegations: Failure to release dental records and business practice issues
Discussion: Investigator's report was reviewed.
Motion: To not open as a complaint.
Motion Made By: Dr. Stephen DuLong
Second: Ms. Ailish Wilkie

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

Vote: Unanimous

--In the Matter of SA-INV-3083: Dr. Warren Green

Allegation: Failure to obtain the necessary permit for the administration of Nitrous Oxide-Oxygen sedation

Discussion: Interviews of staff were reviewed; there was no evidence of administration of nitrous oxide-oxygen sedation by licensee.

Motion: To not open as a complaint.

Motion Made By: Ms. Ailish Wilkie

Second: Ward Cromer, Ph.D.

Vote: Unanimous

--In the Matter of SA-INV-3087: Dr. Warren Green

Allegations: Misdiagnosis of condition and inferior treatment

Discussion: Patient record was reviewed. Licensee saw patient only for periodic exams and never rendered any treatment.

Motion: To not open as a complaint.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2013-0007: Dr. Warren Green

Allegations: Infection control standards violations

Discussion: The timetable of administration of nitrous oxide-oxygen sedation in the practice was reviewed, as was the continuing education taken by the Licensee.

Motion: To dismiss the matter and send an advisory letter regarding compliance with Board's Regulation at 234CMR 8.03 Required Biennial Continuing Education.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

Vote: Unanimous

--In the Matter of DEN-2013-0006: Dr. Alaaeddin Alwazzan

Allegations: Infection control/regulatory violations

Discussion: Members reviewed the inspection report, including corrections of deficiencies. Licensee is co-owner of the practice.

Motion: To offer Stayed Probation for six months and to include the following Continuing Education:
Full Day: Risk Management

Motion Made By: Dr. Stephen DuLong

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matter of SA-INV-3088: Dr. Alaaeddin Alwazzan

Allegation: Failure to release complete dental records

Discussion: Investigator's report was reviewed.

Motion: To not open as a complaint.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of DEN-2013-0008: Dr. Mario Gatti

Due to lack of a quorum this matter was deferred.

--In the Matter of DEN-2013-0009: Dr. Lindsey McElligott

Allegations: Infection control/regulatory violations

Discussion: Licensee is an associate dentist in the practice. Inspection report was reviewed.

Motion: To offer Stayed Probation for three months and to include the following Continuing Education:
Full Day: Risk Management.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) infection control by failing to use internal indicators for sterilization of instruments
- Licensee violated 234 CMR 6.15 Administration of Local Anesthesia by failing to Epinephrine Ampules.

--In the Matter of DEN-2013-0010: Dr. Christopher Mirucki

Allegations: Infection control/regulatory violations

Discussion: Licensee is an associate dentist in the practice. Inspection report was reviewed.

Motion: **To offer Stayed Probation for three months and to include the following Continuing Education:**
Full Day: Risk Management.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) infection control by failing to use internal indicators for sterilization of instruments
- Licensee violated 234 CMR 6.15 Administration of Local Anesthesia by failing to Epinephrine Ampules.

--In the Matter of DEN-2013-0011: Dr. Jean Marie Biebuyck

Allegations: Infection control/regulatory violations

Discussion: Licensee is an associate dentist in the practice. Inspection report was reviewed.

Motion: **To offer Stayed Probation for three months and to include the following Continuing Education:**
Full Day: Risk Management.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) infection control by failing to use internal indicators for sterilization of instruments

- Licensee violated 234 CMR 6.15 Administration of Local Anesthesia by failing to have Epinephrine Ampules.

--In the Matter of DEN-2013-0013: Lina Virgin, RDH

Allegations: Infection control/regulatory violations

Discussion: Licensee has moved out of state. She ensured that deficiencies noted in the inspection report were addressed and corrected.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of DEN-2013-0014: Jessie Jones-Teti, RDH

Allegations: Infection control/regulatory violations

Discussion: Licensee continues to work in the practice. She addressed and corrected deficiencies noted in the inspection report.

Motion: **To offer Stayed Probation for three months and to include the following Continuing Education:**
Full Day: Risk Management.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) infection control by failing to use internal indicators for sterilization of instruments
- Licensee violated 234 CMR 6.15 Administration of Local Anesthesia by failing to have Epinephrine Ampules.

--In the Matter of DEN-2013-0012: Dr. Bashar Zyoud

Allegations: Infection control/regulatory violations

Discussion: Members reviewed the inspection report, including corrections of deficiencies. Licensee is co-owner of the practice.

Motion: **To offer Stayed Probation for six months and to include the following Continuing Education:**
Full Day: Risk Management.

Motion Made By: Ms. Ailish Wilkie
Second: Dr. Roderick Lewin
Vote: Unanimous
Justification: ■ Licensee violated 234 CMR 5.05 (1) infection control by failing to use internal indicators for sterilization of instruments
■ Licensee violated 234 CMR 6.15 Administration of Local Anesthesia by failing to have Epinephrine Ampules.

--In the Matter of SA-INV-3180: Dr. Bashar Zyoud

Allegations: Unable to obtain records and business practice issues
Discussion: Investigator's report was reviewed.
Motion: To not open as a complaint.
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Stephen DuLong
Vote: Unanimous

Administrative Matters

--Recognition of Service: Dr. Mina Paul

DHPL Director James Lavery presented a citation from Commissioner Cheryl Bartlett commending Dr. Paul's years of service as a Board Member and Chair. The citation noted several accomplishments of the Board under Dr. Paul's leadership. Assistant Executive Director Jeffrey Mills presented Dr. Paul an inscribed crystal vase as a gift of thanks from Members of the Board.

Educational Presentation—Dr. Bruce Barrette, ADEX President

Dr. Mina Paul introduced Dr. Barrette to the Board. He presented an overview of ADEX and the examination. The presentation, entitled, "If You Could See What We See," included photographs of work that failed to meet the minimal competency requirements of the examination taken by graduating students from dental schools, both from DMD/DDS programs and from post-graduate programs.

Complaint Resolution—Pending Board Cases

Investigators presented their previously distributed Investigative Reports, including patient treatment records, patient financial records, radiographs, and other documents related to each matter considered by the Board, including but not limited to, letters submitted by complainant(s), licensee, and subsequently treating dentists.

--In the Matter of SA-INV-3459: Dr. Neil Blitz

Allegation: Abandonment
Discussion: Members reviewed the chronology of treatment and no-shows.
Motion: **To not open as a complaint.**
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Roderick Lewin
Vote: Unanimous

--In the Matter of SA-INV-3586: Dr. Philip Aubin

Allegation: Unable to obtain records
Discussion: Members reviewed the investigator's report.
Motion: **To open as a complaint.**
Motion Made By: Dr. Stephen DuLong
Second: Ms. Ailish Wilkie
Vote: Unanimous

--In the Matter of SA-INV-3066: Dr. Meenakshy Yegneswaran

Allegations: Inferior treatment, business practice issues and unable to obtain records
Discussion: The Investigation Report was reviewed.
Motion: **To open as a complaint.**
Motion Made By: Dr. Stephen DuLong
Second: Ward Cromer, Ph.D.
Vote: Unanimous

--In the Matter of SA-INV-3179: Dr. Yan Wang

Allegation: Professional discourtesy in patient-dentist communication

Discussion: Members reviewed statements from the complainant and the Licensee over this billing issue.

Motion: **To not open as a complaint.**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2012-0104: Dr. Sang Jun Lee

Allegation: Failure to perform weekly spore testing

Discussion: Licensee had changed office protocol. Recent spore test results were reviewed.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2012-0105: Dr. Hassan Moeinzad

Allegation: Failure to perform weekly spore testing

Discussion: Recent spore test results were reviewed, as were Licensee's Continuing Education credits.

Motion: **To offer Stayed Probation for three months, and to include courses in Safe and Effective Opioid Prescribing for Chronic Pain and Infection Control required for license renewal for the renewal cycle ending March 31 2012. Credits shall not be applied to 2014 license renewal.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal for the 2010-2012 renewal cycle;
- Licensee violated 234 CMR 8.03(a) by failing to complete a

continuing education course in infection control.

--In the Matter of DEN-2012-0079: Dr. Ean James

Allegations: Boundary violations, inferior treatment, billing practice issues

Discussion: No patients were involved in the allegations of boundary violations, and no patient releases were given as part of the complaint.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of SA-INV-2866: Sameka Dental

Allegation: Inferior treatment

Discussion: Radiographs and the patient record were reviewed.

Motion: **To open as a complaint.**

Motion Made By: Ward Cromer, Ph.D.

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of SA-INV-2947: Dr. Ahmed El-Samra

Allegations: Misdiagnosis of condition and fraud

Discussion: Radiographs and the patient record were reviewed.

Motion: **To open as a complaint.**

Motion Made By: Ms. Ailish Wilkie

Second: Ward Cromer, Ph.D.

Vote: Unanimous

--In the Matter of SA-INV-2957: Dr. Thomas Curtin

Allegations: Misdiagnosis of condition, inferior treatment and inappropriate prescribing

Discussion: Radiographs and the patient record were reviewed.

Motion: **To not open a complaint and to send an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15 Content of Patient Records.**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of SA-INV-2952: Dr. Sadina Roselin

Allegation: Inferior treatment

Discussion: All attempts at locating this Licensee failed. The complaint was generated as a result of a Medical Malpractice Payment Report, not from the patient.

Motion: **To not open as a complaint.**

Motion Made By: Dr. Roderick Lewin

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of DEN-2012-0142: Shirley Horniak, RDH

Allegations: Infection control and regulatory violations

Discussion: Members reviewed the inspection and investigative reports, including Licensee's response through her attorney. Licensee has been employed at the practice since 1997.

Motion: **To offer Probation for One Year and to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control
Full Day: Ethics (may be taken on-line)
Full Day: Managing Medical Emergencies in the Dental Office.

Motion Made By: Ms. Ailish Wilkie

Second: Ward Cromer, Ph.D.

Vote: Unanimous

Justification: ■ Licensee violated 234 CMR 2.04 (18); 234 CMR 5.05 (1); 9.05 (1)

(2) (3) (8);

MGL c. 112, § 61 by failing to comply with infection control requirements. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests for .many years; failure to maintain sterility of instruments; and failure to properly sterilize instruments.

■ Licensee violated 234 CMR 6.14, .Administration of Nitrous Oxide-oxygen, by failing to have the required medicaments and equipment. Said deficiencies include, but are not limited to, the failure to have a portable cylinder E, oxygen tank; bag-valve mask system; antihistamine, Atropine; and, Midazolam; and the failure to maintain gas delivery system.

■ Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.

--In the Matter of DEN-2012-0143: Lesa Hutchinson, RDH

Allegations: Infection control and regulatory violations

Discussion: Members reviewed the inspection and investigative reports, including Licensee's response through her attorney. Licensee has been employed at the practice since 2000.

Motion: To offer Probation for One Year and to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control
Full Day: Ethics (may be taken on-line)
Full Day: Managing Medical Emergencies in the Dental Office.

Motion Made By: Ms. Ailish Wilkie

Second: Ward Cromer, Ph.D.

Vote: Unanimous

Justification: ■ Licensee violated 234 CMR 2.04 (18); 234 CMR 5.05 (1); 9.05 (1) (2) (3) (8);
MGL c. 112, § 61 by failing to comply with infection control requirements. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests for .many years; failure to maintain sterility of instruments; and failure to properly sterilize instruments.
■ Licensee violated 234 CMR 6.14, .Administration of Nitrous Oxide-oxygen, by failing to have the required medicaments and equipment. Said deficiencies include, but are not limited to, the failure to have a portable cylinder E, oxygen tank; bag-valve mask system; antihistamine, Atropine; and, Midazolam; and the failure to maintain gas delivery system.
■ Licensee violated 234 CMR 8.03(a) by failing to complete a

continuing education course in infection control.

--In the Matter of DEN-2012-0141: Dr. Marshall Sommer

Allegations: Infection control and regulatory violations

Discussion: Members reviewed the inspection and investigative reports, including Licensee's response. Licensee was employed part-time at the practice at the time of inspection.

Motion: To offer Probation for One Year and to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control
Full Day: Ethics (may be taken on-line)
Full Day: Managing Medical Emergencies in the Dental Office.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification: ■ Licensee violated 234 CMR 2.04 (18); 234 CMR 5.05 (1); 9.05 (1) (2) (3) (8); MGL c. 112, § 61 by failing to comply with infection control requirements. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests for many years; failure to maintain sterility of instruments; and failure to properly sterilize instruments.
■ Licensee violated 234 CMR 6.14, Administration of Nitrous Oxide-oxygen, by failing to have the required medicaments and equipment. Said deficiencies include, but are not limited to, the failure to have a portable cylinder E, oxygen tank; bag-valve mask system; antihistamine, Atropine; and, Midazolam; and the failure to maintain gas delivery system.

--In the Matter of DEN-2012-1057: Dr. Lois Jeffrey Lowenstein

Due to lack of a quorum this matter was deferred.

--In the Matter of DEN-2012-0156 Susan Frances Ecker, RDH

Due to lack of a quorum this matter was deferred.

--In the Matter of DEN-2012-0084: Dr. Raj Venkat Dulala

Allegations: General practice standards

Discussion: Radiographs, model, and patient record were reviewed.

Motion: To offer Stayed Probation for three months and to include the following Continuing Education:

- Infection Control (Pursuant to Board policy because this requirement became effective on August 20, 2010, this course may not be applied to the 2012-2014 license renewal cycle)
- Safe and Effective Pain Management (Pursuant to Board policy, because this requirement did not become effective until January 2011, this continuing education credits for this course may be applied to the 2012-2014 License renewal cycle).

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification:

- Licensee violated MGL 94C, Section 18(e), requiring all prescribers, upon initial application for a Massachusetts license to practice dentistry and subsequently during each dental license renewal period, to complete education relative to Effective pain management; Identification of patients at high risk for substance abuse; and Counseling patients about the side effects
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.

--In the Matter of DEN-2012-0121: Dr. Michael Ofir

Allegations: General practice standards

Discussion: Members reviewed radiographs and the patient record.

Motion: To offer Stayed Probation for three months and to include the following Continuing Education:

- Infection Control (Pursuant to Board policy because this requirement became effective on August 20, 2010, this course may *not* be applied to the 2012-2014 license renewal cycle).

Motion Made By: Dr. Stephen DuLong

Second: Dr. Roderick Lewin

Vote: Unanimous

Recused: Executive Director Barbara Young left the meeting at 12:16 p.m. and returned at 12:26 p.m.

Justification: • Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.

--In the Matter of SA-INV-3059: Dr. Mark Wang

Allegations: Inferior treatment and fraud
Discussion: Members reviewed the investigative report.
Motion: **To not open as a complaint.**
Motion Made By: Dr. Roderick Lewin
Second: Ward Cromer, Ph.D.
Vote: Unanimous

--In the Matter of SA-INV-3189: Dr. Gardner Bassett

Allegation: Abandonment
Discussion: The investigative report was reviewed.
Motion: **To not open as a complaint.**
Motion Made By: Dr. Stephen DuLong
Second: Dr. Roderick Lewin
Vote: Unanimous

--In the Matter of SA-INV-3190: Valley Dental

Allegations: Billing practice issues
Discussion: Members reviewed the patient record.
Motion: **To not open as a complaint and send an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15, Content of Patient Records.**
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Stephen DuLong
Vote: Unanimous

Probation Matters—Karen Fishman, Probation Monitor

--Webinar Policy Update

Discussion Ms. Fishman provided a review and update on the probation policy that has been in effect since April 2009 to allow licensees to take webinars and study via interactive DVDs as an approved method for remedial coursework for certain types of remedial learning on a case by case basis. Decisions are made on a case-by-case basis and decided by the Probation Monitor alone or, if there are questions, in conjunction with the Supervisor of Investigations, Board Counsel and/or the Executive Director.

Motion **To continue to allow licensees to use webinars and/or interactive DVDs via staff action authority on a case-by-case basis.**

Motion Made By Ms. Ailish Wilkie

Second Dr. Roderick Lewin

Vote Unanimous

--In the Matter of DEN-2010-0136: Dr. Sylvester Maloney - Violation of Stayed Probation

Discussion Members reviewed the Probation Monitor's memo and noted Paragraph 8 of the Consent Agreement for Stayed Probation.

Motion **To place licensee on Probation for one year.**

Motion Made By Ward Cromer, Ph.D.

Second Ms. Ailish Wilkie

Vote Unanimous

Justification: ■ Licensee violated 234 CMR 9.05 (7) by failing to complete continuing education required by Licensee's Consent Agreement with the Board within the one year period specified by the Agreement.

--In the Matter of DEN-2010-0161 & DEN-2010-0110: Dr. Louis Sparanges - Violation of Probation

Discussion Members reviewed the record of non-compliance with the Consent Agreement.

Motion **To place Licensee on Probation for thirty days; if licensee fails to comply with terms of the Consent Agreement within thirty days, his license to practice dentistry shall be suspended.**

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

Motion Made By Ms. Ailish Wilkie
Second Dr. Stephen DuLong
Vote Unanimous
Justification: ■ Licensee violated 234 CMR 9.05 (7) by failing to complete continuing education required by Licensee's Consent Agreement with the Board within the one year period specified by the Agreement.

Motion: **To Leave General Session at 12:49 p.m.**

Motion Made By: Ms. Ailish Wilkie
Second: Ward Cromer, Ph.D.
Vote: Unanimous

Motion: **To Enter M.G.L. c.112, §65C Session at 12:49 p.m.**

Motion Made By: Ms. Ailish Wilkie
Second: Ward Cromer, Ph. D.
Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Secretary
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Leave M.G.L. c.112, §65C Session at 1:04 p.m.**

Motion Made By: Dr. Stephen DuLong
Second: Ailish Wilkie
Roll-Call Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Secretary
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To adjourn the meeting at 1:04 p.m.**

Motion Made By: Ward Cromer Ph.D.
Second: Dr. Stephen DuLong

Board of Registration in Dentistry
General Session Minutes
July 17, 2013
Adopted by Board September 18, 2013

Vote: Unanimous

Respectfully submitted,

Dr. Milton Glicksman, Secretary

Date: _____